

## BIRCH, STEWART, KOLASCH &amp; BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
 Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

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# COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

FUNCTIONAL VITAMIN D DERIVATIVES AND METHOD OF DETERMINING 25-HYDROXY- AND 1 $\alpha$ -25-DIHYDROXY VITAMIN D

Fill in Appropriate  
 Information -  
 For Use Without  
 Specification  
 Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on December 22, 2000 as  
 United States Application Number 09/720,338  
 and amended on December 22, 1999 (if applicable) and/or  
 the specification was filed on June 25, 1998 as PCT  
 International Application Number PCT/EP99/04418; and was  
 amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

Insert Priority  
 Information:  
 (if appropriate)

<u>198 28 379.2</u> (Number)	<u>DE</u> (Country)	<u>June 25, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>198 40 435.2</u> (Number)	<u>DE</u> (Country)	<u>September 4, 1988</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month/Day/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
 Application(s):  
 (if any)

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____
_____	_____	_____

Insert Requested  
 Information:  
 (if appropriate)

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Insert Prior U.S.  
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 (if any)

_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
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Raymond C. Stewart  
Joseph A. Kolasch  
Bernard L. Sweeney  
Charles Gorenstein  
Leonard R. Svensson  
Andrew D. Meikle  
Joc McKinney Muncy  
John W. Bailey  
Gary D. Yacura  
Mark J. Nuell

(Reg. No. 21,066)  
(Reg. No. 22,463)  
(Reg. No. 24,448)  
(Reg. No. 29,271)  
(Reg. No. 30,330)  
(Reg. No. 32,868)  
(Reg. No. 32,334)  
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(Reg. No. 35,416)  
(Reg. No. 36,623)

Terrell C. Birch  
James M. Slattery  
Michael K. Mutter  
Cerald M. Murphy, Jr.  
Terry L. Clark  
Marc S. Weiner  
Donald J. Daley  
John A. Castellano  
Thomas S. Auchterlonie

(Reg. No. 19,382)  
(Reg. No. 28,380)  
(Reg. No. 29,680)  
(Reg. No. 28,977)  
(Reg. No. 32,644)  
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Full Name of First  
Inventor  
Insert Date This  
Form is to be Signed

Insert Residence  
Country of Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any;  
see above

Full Name of Third  
Inventor, if any;  
see above

Full Name of Fourth  
Inventor, if any;  
see above

<b>GIVEN NAME/FAMILY NAME</b>	<b>INVENTOR'S SIGNATURE</b>	<b>DATE*</b>
Franz Paul <b>ARMBRUSTER</b>	<i>Franz Paul Armbruster</i>	1.2.2001
<b>Residence (City, State &amp; Country)</b>		<b>CITIZENSHIP</b>
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Mittelstrasse 24, 67240 Bobenheim-Roxheim, GERMANY		
<b>GIVEN NAME/FAMILY NAME</b>	<b>INVENTOR'S SIGNATURE</b>	<b>DATE*</b>
Wolfgang <b>VOELTER</b>		
<b>Residence (City, State &amp; Country)</b>		<b>CITIZENSHIP</b>
Tübingen, GERMANY		German
<b>MAILING ADDRESS (Complete Street Address including City, State &amp; Country)</b>		
Panoramastrasse 71, 72070 Tübingen, GERMANY		
<b>GIVEN NAME/FAMILY NAME</b>	<b>INVENTOR'S SIGNATURE</b>	<b>DATE*</b>
Jens <b>TAMPE (formerly SCHWING)</b>		
<b>Residence (City, State &amp; Country)</b>		<b>CITIZENSHIP</b>
München, GERMANY		German
<b>MAILING ADDRESS (Complete Street Address including City, State &amp; Country)</b>		
Bingener Strasse 20, 80993 München, GERMANY		
<b>GIVEN NAME/FAMILY NAME</b>	<b>INVENTOR'S SIGNATURE</b>	<b>DATE*</b>
Christian <b>BIRKMAYER</b>		
<b>Residence (City, State &amp; Country)</b>		<b>CITIZENSHIP</b>
München, GERMANY		German
<b>MAILING ADDRESS (Complete Street Address including City, State &amp; Country)</b>		
Reitmorstrasse 54, 80538 München, GERMANY		

\*DATE OF SIGNATURE

100220 822250

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Information:  
(if appropriate)198 28 379.2DEJune 25, 1998☒☐

(Number)

(Country)

(Month/Day/Year Filed)

Yes

No

198 40 435.2DESeptember 4, 1988☒☐

(Number)

(Country)

(Month/Day/Year Filed)

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(Month/Day/Year Filed)

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Raymond C. Stewart	(Reg. No. 21,066)	Terrill C. Birch	(Reg. No. 19,382)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Muller	(Reg. No. 29,680)
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Full Name of First  
Inventor, if any:  
Insert Date This  
Document is Signed

Insert Residence  
of Citizenship

Insert Full Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Franz Paul ARMBRUSTER		
Residence (City, State & Country)	CITIZENSHIP	
Bobenheim-Roxheim, GERMANY	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Mittelstrasse 24, 67240 Bobenheim-Roxheim, GERMANY		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Wolfgang VOELTER	<i>Wolfgang Voelter</i>	2.2.2001
Residence (City, State & Country)	CITIZENSHIP	
Tübingen, GERMANY	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Panoramastrasse 71, 72070 Tübingen, GERMANY		
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Christian BIRKMAYER		
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Reitmorstrasse 54, 80538 München, GERMANY		

00220-88202260

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(Number)

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Yes

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Full Name of First  
or Joint Inventor  
(Inventor's Name of  
Inventor)  
Insert Date This  
Document is Signed

Insert Residence  
(Inventor's Citizenship)

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
(Inventor's Name)

Full Name of Third  
Inventor, if any:  
(Inventor's Name)

Full Name of Fourth  
Inventor, if any:  
(Inventor's Name)

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Franz Paul ARMBRUSTER		
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Bobenheim-Roxheim, GERMANY	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
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Wolfgang VOELTER		
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Tübingen, GERMANY	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Jens TAMPE (formerly SCHWING)	Jens Tampe	02.02.2001
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München, GERMANY	German	
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Bingener Strasse 20, 80993 München, GERMANY		
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Christian BIRKMAYER		
Residence (City, State & Country)	CITIZENSHIP	
München, GERMANY	German	
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I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority  
Information:  
(if appropriate)**Prior Foreign Application(s)****Priority Claimed**198 28 379.2  
(Number)DE  
(Country)June 25, 1998  
(Month/Day/Year Filed)☒ Yes ☐ No198 40 435.2  
(Number)DE  
(Country)September 4, 1988  
(Month/Day/Year Filed)☒ Yes ☐ No\_\_\_\_\_  
(Number)\_\_\_\_\_  
(Country)\_\_\_\_\_  
(Month/Day/Year Filed)☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
Application(s):  
(if any)\_\_\_\_\_  
(Application Number)\_\_\_\_\_  
(Filing Date)\_\_\_\_\_  
(Application Number)\_\_\_\_\_  
(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country

Application Number

Date of Filing (Month/Day/Year)

Insert Requested  
Information:  
(if appropriate)\_\_\_\_\_  
(Application Number)\_\_\_\_\_  
(Filing Date)\_\_\_\_\_  
(Status - patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
Application(s):  
(if any)\_\_\_\_\_  
(Application Number)\_\_\_\_\_  
(Filing Date)\_\_\_\_\_  
(Status - patented, pending, abandoned)\_\_\_\_\_  
(Application Number)\_\_\_\_\_  
(Filing Date)\_\_\_\_\_  
(Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

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PLEASE NOTE:  
 YOU MUST  
 COMPLETE  
 THE  
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Full Name of First  
 or Second Inventor  
 Inventor Name of  
 Inventor: This  
 Document is signed

Inventor Residence  
 Inventor Citizenship

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Full Name of Second  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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